



Paper No. 16

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OFFICE OF PETITIONS

In re Application of
Gilbert & Stergiopoulos
Application No.: 09/982,709
Filed: October 18, 2001
Attorney Docket No.: CF/041
For: SYSTEMS AND METHODS FOR QUOTING
A TWO-SIDED MARKET

ON PETITION

This decision will address three petitions: (1) a petition under 37 CFR 1.182 requesting that the previously nonsigning legal representative's name be altered to the signed version found in the declaration; (2) a petition under 37 CFR 1.47(a) requesting reconsideration of a dismissal rendered on February 25, 2003, and (3) a petition under 37 CFR 1.137(f) to revive the application.

The petition under 37 CFR 1.182 is **GRANTED**.

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

The petition under 37 CFR 1.137(f) is **GRANTED**.

Petitioner has verified that the name of the previously nonsigning legal representative is Mariann Gilbert. Petitioner filed a petition under 37 CFR 1.182 requesting that the legal representative's name be changed to the signed version found on the declaration. MPEP 605.04(b). The petition is accompanied by the petition fee. Therefore, the petition under 37 CFR 1.182 is granted.

Papers filed on December 18, 2002 in reply to "Decision Refusing Status Under 37 CFR 1.47(a)" mailed on October 24, 2002, included a Declaration signed by Mariann Gilbert, the previously nonsigning legal representative of deceased inventor Andrew C. Gilbert, in compliance with 37 CFR 1.63,

In view of the joinder of the legal representative of the deceased inventor, the petition under 37 CFR 1.47(a) is dismissed as moot. This application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country on October 16, 2002. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

- (1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition under 37 CFR 1.137(f) meets these requirements and is granted.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for further processing. OIPE will mail a corrected filing receipt which includes a projected publication date for the instant application in due course.

Telephone inquiries should be directed to the undersigned at (703) 308-6712.



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